

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

**Clerk's Minutes
Before the Honorable Judith C. Herrera**

USA vs. **DAVID REID** Case No. **05-1849 JH**

Date: **January 5, 2006**

Courtroom Clerk: **Elizabeth Davis** Court Reporter: **Paul Baca**

Court in Session: **9:56 a.m.** Court in Recess: **10:37 a.m.**

Type of Proceeding: **Deft's Motion to Modify Conditions of Release (Doc. 243)**

Court's Rulings/Disposition: **Court grants in part and denies in part Deft's Motion to Modify Conditions of Release.**

Attorney(s) Present for Plaintiff(s):

James R.W. Braun, AUSA

Attorney(s) Present for Defendant(s):

Zubair Aslamy

Proceedings:

9:56 a.m. Court in session. Counsel state their appearances.

9:57 a.m. Counsel Aslamy presents case. Court notes correspondence received this morning. Counsel requests that deft be taken off of the electronic monitoring and be allowed to fly an aircraft.

10:08 a.m. AUSA responds. Govt states that deft is a flight risk and a danger to the community. Govt requests the Court to adopt pretrial services' recommendation. Govt does not oppose to the electronic monitoring being lifted.

10:12 a.m. Court asks the Govt on its position to Arizona's US Magistrate allowing deft to pilot commercial aircrafts. Govt responds and is not certain as to why the Magistrate allowed such condition. Govt notes that if the deft were in custody or in a halfway house, he would not be permitted to fly an aircraft. Govt opposes the deft traveling across the country. Govt does not oppose deft traveling to Oregon to assist his daughter with her physical therapy.

10:17 a.m. Counsel Aslamy replies. Counsel notes that Arizona pretrial services does not oppose the deft flying an aircraft.

10:20 a.m. Govt notes that in a memorandum from PT Therese Gregory (New Mexico Pretrial Services) dated 09/11/05, pretrial services is opposed to the deft flying an aircraft. Court informs the Govt that Aslamy was referring to Arizona Pretrial Services.

10:24 a.m. Court in recess.

10:31 a.m. Court in session.

10:33 a.m. Court notes that although the deft has met the burden of production, the Govt has shown otherwise that the deft is a flight risk and a danger to the community. Court notes that there is no objection to the electronic monitoring and will allow the electronic monitoring to be lifted. Court is not inclined to allow the deft to fly at liberty and denies deft's motion to allow the deft to fly an aircraft. The Court will entertain in the future, motions to allow deft to fly to specific places regarding specific jobs.

10:37 a.m. Court in recess.